

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND PM 3:53
(Northern Division) CLERK'S OFFICE
AT BALTIMORE

OPERATING ENGINEERS LOCAL NO. 37 * BY _____ DEPUTY
HEALTH AND WELFARE FUND, ET AL., *

Plaintiffs *

vs. Civil Action No.: No. 18-cv-01123-ELH *

RAYMOND V. FRANK, ET AL., *

Defendant *

* * * * *

ORDER ENTERING JUDGMENT BY DEFAULT

(ECF 13)

Upon consideration of the Motion for Judgment by Default filed by Plaintiffs Operating Engineers Local No. 37 Health and Welfare Fund, Operating Engineers Local No. 37 Pension Fund, Operating Engineers Local No. 37 Severance and Annuity Fund, Operating Engineers Local No. 37 Apprenticeship and Training Fund, the International Union of Operating Engineers, Local 37, and the Baltimore Building & Construction Trades Council, it appearing from the record that an entry of an Order of Default was made on June 21, 2018 as to Defendants Raymond V. Frank and Manor Excavating, Inc. for failure of the Defendants to plead or otherwise defend as provided by the Federal Rules of Civil Procedure, and it appearing that the Defendants were properly served with the complaint and summons in this action on April 25, 2018, it is, by the United States District Court for the District of Maryland hereby:

ORDERED, that the Motion for Judgment by Default is GRANTED; and it is further ORDERED, that judgment by default is entered in favor of Plaintiffs Operating Engineers Local No. 37 Health and Welfare Fund, Operating Engineers Local No. 37 Pension

Ex 17
and for the reasons stated in the Supportive Memorandum (ECF 13-1), and affidavits (ECF 13-2, ECF 13-3),

Fund, Operating Engineers Local No. 37 Severance and Annuity Fund, Operating Engineers Local No. 37 Apprenticeship and Training Fund, the International Union of Operating Engineers, Local 37, and the Baltimore Building & Construction Trades Council against Defendants Raymond V. Frank and Manor Excavating, Inc. in the total amount of \$88,004.39, which total amount consists of:

- a. \$63,777.48 in unpaid contributions due and owing to the Plaintiffs for the months of January through June 2018;
- b. \$14,943.47 in liquidated damages on late and unpaid contributions for the months of November 2017 through June 2018;
- c. \$2,700.22 in interest on late and unpaid contributions for the months of November 2017 through June 30, 2018; and
- d. \$6,583.22 in attorneys' fees and costs.

If further action by Plaintiffs to enforce this judgment is necessary, Plaintiffs may apply to the court in which enforcement is sought for further reasonable attorneys' fees and costs.

And the Clerk is directed to close this case.

ELH

Date: 12/5/18

Ellen L. Hollander
The Honorable Ellen L. Hollander
United States District Judge